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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WILLS, LAWRENCE E

ART UNIT

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2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,923	<b>Applicant(s)</b> FUKUDA, HIROKI	
	<b>Examiner</b> LAWRENCE E. WILLS	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,9-12,14,15,17-19,21,22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9-12,14,15,17-19,21,22 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed December 8, 2008 have been fully considered but they are not persuasive.

“Applicant respectfully submits that Minari neither discloses nor suggests all of the features of Claims 1, 21 and 25. Specifically, Minari fails to disclose or suggest at least the feature of acquiring driver information from job log information and determining that the job log information related to an issued job which is not accompanied by a printout should not be recorded or accumulated in accordance with the acquired driver information.”

However, Minari does teach acquiring driver information (print job executor that analyzes the print job, column 4, line 1) from job log information (Print Job Object for Printer, S902, Fig. 9, the print job program is a section of the print job object, Fig. 5, ) and determining that the job log information related to an issued job which is not accompanied by printout (Mismatch, S1015, the job attribute not requesting printing would be considered a Mismatch) should not be recorded or accumulated (Send print job object back to host, S1009).

“Applicant respectfully submits that Minari neither discloses nor suggests all of the features of Claims 2, 22 and 26. Specifically, Minari fails to disclose or suggest at least a port information acquisition step of acquiring port information from job log information acquired in an acquisition step and a determination step of determining that the job log information related to an issued job which is not accompanied by a printout should not be recorded or accumulated in accordance with the port information acquired in the port information acquisition step.”

However, Minari teaches a port information acquisition step of acquiring port information (print job executor that analyzes the print job, column 4, line 1) from job log information acquired in an acquisition step (Print Job Object for Printer, S902, Fig. 9, the print job attribute is a section of the print job object, Fig. 5, ) and a determination step of determining that the job log information related to an issued job which is not accompanied by printout (Mismatch, S1015, the job attribute not requesting printing would be considered a Mismatch) should not be recorded or accumulated (Send print job object back to host, S1009).

“Applicant respectfully submits that Minari neither discloses nor suggests all of the features of Claim 27. In particular, Minari fails to disclose or suggest at least the features of a determination step of determining whether or not to record or accumulate the job log information acquired in the acquisition step, in accordance with the result of determination in the output destination determination step; and a recording/accumulation step of recording or accumulating the job log information determined in the determination step to be recorded or accumulated, wherein, when it is determined in the output destination determination step that the output destination of the job corresponding to the job log information is the client computer, it is

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determined in the determination step that the job log information should not be recorded or accumulated.”

However, Minari teaches determination step of determining whether or not to record or accumulate (Yes/No, Step 902) the job log information acquired in the acquisition step, in accordance with the result of determination in the output destination determination step (print job object for printer, S902, an output destination of the printer in which the print object was received would make the answer yes); and a recording/accumulation step of recording or accumulating the job log information determined in the determination step to be recorded or accumulated (Store print job object in print job accumulator, Step 903), wherein, when it is determined in the output destination determination step that the output destination of the job corresponding to the job log information is the client computer, it is determined in the determination step that the job log information should not be recorded or accumulated. (Mismatch, S1015, the request address would not be a printer, but a client, and the Mismatch would cause the data to return to the client)”

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 4, 7, 9-12, 14, 15, 17-19, 21, 22, and 25-30 rejected under 35 U.S.C. 102(e) as being anticipated by (US Patent No. 6,809,831).

Regarding claims 1, 21, and 25, Minari' 831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job log information (S903, Fig. 9, store print job object in print job accumulator) on a job issued to an image forming apparatus from client computer (number 1701, Fig. 17) connected to a network (number 1705, Fig. 17), comprising: an acquisition unit (number 402, Fig. 4,) configured to acquire the job log information (print job object, Fig. 5) from the client computer or the image forming apparatus (print job receiver receives a print job object from host computer, column 3, lines 66-67); wherein the job log information (print job object, Fig. 5) includes driver information (print processing program, Fig. 6) identifying a driver program which is performed in the client computer and generates the issued job (print job generator 204 produces a print job object in response to print instructions given by a user, column 3, lines 24-26) a driver information acquisition unit (number 403, Fig. 4) for acquiring the driver information (print processing program, Fig. 6) from job log information (print job object, Fig. 5) from the job log information acquired from the acquisition unit (processes the print data stored in the print data section based on the print processing program, column 4, lines 27-29); a determination unit (number 601, Fig. 6) configured to determine whether or not to record the job log information acquired by said acquisition unit (S902, Fig. 9), in accordance with a driver (number 204, Fig. 2) which generates data of the issued job (print job generator 204 produces a print job object in response to print instructions given by a user, column 3, lines 24-26); and a recording/accumulation unit (print job

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accumulator, number 407, Fig. 4) configured to record or accumulate the job log information determined by said determination unit to be recorded or accumulated, (stores print job object, column 4, line 12) wherein, in the determination step, it is determined by using the driver information(job attribute, S1002, Fig. 12) that the job log information related to an issued job which is not accompanied by printout (Mismatch, S1015, the job attribute not requesting printing would be considered a Mismatch) should not be recorded or accumulated (Send print job object back to host, S1009).

Regarding claims 2, 22, 26, 27 Minari' 831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job log information (S903, Fig. 9, store print job object in print job accumulator) on a job issued to an image forming apparatus from client computer (number 1701, Fig. 17) connected to a network (number 1705, Fig. 17), comprising: an acquisition unit (number 402, Fig. 4,) configured to acquire the job log information (print job object, Fig. 5) from the client computer(print job receiver receives a print job object from host computer, column 3, lines 66-67), wherein the job log information (print job object, Fig. 5) includes port information ("origin of request" and "request address" column 4, line 34, ); a port information acquisition unit (number 403, Fig. 4) configured to acquire the port information from the job log information acquired from the acquisition unit ("origin of request" and "request address" column 4, line 34); a determination unit (number 601, Fig. 6) configured to determine whether or not to record the job log information acquired by said acquisition unit (determining whether or not the printer is adequate for the print job attributes, column 4, lines 43-44), in accordance with the port information/destination address ("request address" column 4,

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line 34) acquired from the port information acquisition unit; and a recording/accumulation unit (print job accumulator, number 407, Fig. 4) configured to record or accumulate the job information determined by said determination unit to be recorded or accumulated (column 4, line 12) wherein in the determination step, it is determined by using the port information(job attribute, S1002, Fig. 12) that the job log information related to an issued job which is not accompanied by printout (Mismatch, S1015, the job attribute not requesting printing would be considered a Mismatch) should not be recorded or accumulated (Send print job object back to host, S1009).

Regarding claim 4, Minari'831 teaches wherein the image forming apparatus to which the job log information has been issued is specified in accordance with the port information contained in the job log information acquired by the port information acquisition step (S902, Fig. 9, and further, the URL address of the printer is contained in the job log information, column 3, line 42).

Regarding claims 7 and 14, Minari' 831 teaches wherein in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the job log information (print job attributes, number 601, column 4, lines 43-45) acquired in the acquisition step coincides with a condition contained in a non-recording target database prepared in advance (printer attribute section, number 408, Fig. 4, column 4, lines 11-15).



Regarding claim 9, Minari'831 teaches the non-recording target database contains non-recording driver information not to be recorded or accumulated (column 4, lines 11-15), and wherein, in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the driver information acquired from the job log information acquired in the acquisition step is the non-recording driver information (S1002, Fig. 10, further column 5, lines 1-15).

Regarding claims 10 and 17, Minari'831 teaches a registration step of registering (stores, column 4, line 13) in the non-recording target database a condition of job log information not to be recorded or accumulated (column 4, lines 11-15).

Regarding claims 11 and 18, Minari'831 teaches wherein in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the job log information acquired in the acquisition step coincides with a condition contained in a recording database prepared in advance (S 1002, Fig. 10).

Regarding claims 12 and 19, Minari'831 teaches wherein in the recording/accumulation step, the job log information determined in the determination step to be recorded is recorded in a database in a searchable format (print job accumulator stores the print job object, column 4, lines 10-11, further Fig. 13).

Regarding claim 15, Minari'831 teaches the non-recording target database contains non-recording port information not to be recorded or accumulated (column 4, lines 11-15)), and in the determination step, whether to record or accumulate the job log information is determined on the basis of whether the port information contained in the job log information acquired in the acquisition step is the non-recording port information (S 1002, Fig. 10).

Regarding claims 28, 29, and 30, Minari'831 teaches wherein, in the recording/accumulation step, job log information determined in the determination step to be accumulated (S903, Fig. 9) is extracted and accumulated from pieces of acquired job log information,(stores print job attributes column 4, lines 20-25) and grasp of the number of output pages or charging of an output job is performed (print pages, print copies column 4, lines 35-36).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

LEW

December 22, 2008